



## REMARKS

### Amendments

#### *Amendments to the Claims*

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, Applicant claims implicitly refining an explicitly generated user profile. Furthermore, claims 7 and 8 were canceled without prejudice. No new matter has been added as a result of these amendments.

### Rejections

#### *Rejections under 35 U.S.C. § 102(e)*

#### Claims 1-3, 5, 6, 9-14 and 17-18

Claims 1-3, 5, 6, 9-14 and 17-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Martino, U.S. Patent No. 6,621,177. Applicant does not admit that Martino is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that claims 1-3, 5, 6, 9-14 and 17-18 are not anticipated by Martino.

Martino discloses generating and refining user profiles for a personal video recorder. The system can implicitly or explicitly generate the user profiles. In addition, the system allows a user to explicitly edit an implicitly generated user profile.

Applicant respectfully submits that Martino does not teach or suggest each and every limitation of Applicant's claims. Independent claims 1, 9, and 13, as amended, recite implicitly refining an explicitly generated user profile. In contrast, Martino discloses implicitly/explicitly generating a user profile and explicitly refining an implicitly generated user profile. However, Martino does not teach or suggest implicitly refining an explicitly generated user profile as claimed. Therefore, Martino cannot properly interpreted as anticipating Applicant's claims 1, 9, and 13 and the claims 2, 3, 5, 6, 10-12, 14, 17, and 18 that depend from them. Accordingly, Applicant respectfully submits that claims 1-3, 5-14 and 17-18 are not anticipated by Martino under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

***Rejections under 35 U.S.C. § 103***

**Claims 4 and 15-16**

Claims 4 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Martino in view of Boe, et. al., U.S. Patent No. 6,236,975. Applicant respectfully submits that the combination does not teach or suggest each and every element of claims 4 and 15-16.

Boe discloses profiling customers through a web-based targeting marketing system. The system surveys a customer and associates the customer with a selected peer group. The customer may adjust their situation in the survey to a hypothetical situation.

Applicant respectfully submits that the combination of Martino and Boe does not teach or suggest each and every limitation of Applicant's claims 4 and 15-16. Claims 4 and 15-16 depend from claims 1 and 13, respectively. Independent claims 1 and 13, as amended, recite implicitly refining an explicitly generated user profile. As discussed above, Martino does not teach or suggest implicitly refining an explicitly generated user profile. Neither does Boe. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 1 and 13 and claims 4 and 15-16 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**SUMMARY**

Claims 1-6, 9-18 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

**Deposit Account Authorization**

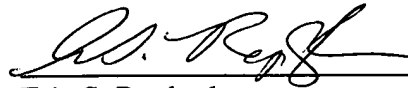
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any

charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: May 25, 2005



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